UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

D'ANGELO MARQUEZ JENKINS Plaintiff,]		
v]	No. 3 0 8 Judge Campbell	0073
MONTGOMERY COUNTY JAIL	j		
Defendant]		

MEMORANDUM

The plaintiff, proceeding *pro se*, is an inmate at the Montgomery County Jail in Clarksville, Tennessee. He brings this action pursuant to 42 U S.C. § 1983 against the Montgomery County Jail, seeking injunctive relief and damages.

The plaintiff was assaulted by another inmate at the Montgomery County Jail. He believes that the staff there unnecessarily exposed him to the danger of being attacked in violation of his constitutional rights.

To establish a claim for § 1983 relief, the plaintiff must plead and prove that a person or persons, while acting under color of state law, deprived him of some right guaranteed by the Constitution or laws of the United States <u>Parratt v. Taylor</u>, 101 S.Ct. 1908, 1913 (1981)

A county jail or workhouse is not a person that can be sued under 42 U.S.C. § 1983. Rhodes v.McDannel, 945 F.2d 117, 120 (6th Cir. 1991). Of course, giving the *pro se* complaint (Docket Entry No. 1) a liberal construction, the Court could construe the pleading as an attempt to state a claim against Montgomery County, the entity responsible for the operation of the jail. However, for Montgomery County to be liable, the plaintiff would have to allege and prove that his constitutional

rights were violated pursuant to a "policy statement, ordinance, regulation or decision officially adopted and promulgated" by the county Monell v. Department of Social Services, 98 S.Ct. 2018 (1978) No such allegation appears in the complaint. Therefore, lacking an arguable basis in law or fact, this action shall be dismissed as legally frivolous. 28 U.S.C. § 1915(e)(2); Neitzke v. Williams, 109 S.Ct. 1827, 1832-1833 (1989).

An appropriate order will be entered.

Todd Campbell

United States District Judge

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